the guilty person is undoubtedly the reason why the common law permits arrest in certain cases without a warrant, neither an actual, nor an apprehended, attempt to escape is, at common law, a condition of the right to arrest without a warrant in an otherwise proper case. *Rohan* v. *Sawin*, 5 Cush. 281. At common law peace officers had power to arrest without a warrant when the offense was committed in their view. *Prell* v. *McDonald*, 7 Kan. 426; *State* v. *Lafferty*, 5 Harr. (Del.) 491. But this has in some States been restricted by statutory condition that an immediate arrest must be necessary to prevent an attempted or apprehended escape. There is, however, very little authority upon the effect of this condition. If the power is conferred by charter, an ordinance may authorize the officer to arrest without a warrant, where the offense is committed in his view. *Chicago* v. *Kenney*, 35 Ill. App. 57, 63; *Bryan* v. *Bates*, 15 Ill. 87; *Scircle* v. *Neeves*, 47 Ind. 289. But unless the violation is committed in his view, process or warrant for arrest is required. *Clark* v. *New Brunswick*, 43 N. J. L. 175. An ordinance authorizing police officers to make arrests without a warrant for breaches of ordinances not committed in their presence was held void in *Pesterfield* v. *Vickers*, 3 Coldw. 205; and see *Judson* v. *Reardon*, 16 Minn. 431. An officer who hears a pistol shot and immediately discovers a man running from that direction may arrest on the ground that the person was endeavoring to escape. *Brooks* v. *State*, 114 Ga. 6. Under N. C. CODE, § 1126 it is only when an officer apprehends an escape unless he acts promptly that he is justified in making an arrest for a felony which he has reasonable grounds to believe has been committed by the person arrested. *Neal* v. *Joyner*, 89 N. C. 287 under the TEX. CODE CRIM. PROC., Art. 229, an officer has no right to make an arrest for a felony without a warrant unless the person arrested is "about to escape." *Karner* v. *Stump*, 12 Tex. Civ. App. 460. Nor is an officer acting without a warrant justified in killing a person while fleeing from arrest for a crime which is only a misdemeanor, although such officer acts on his suspicion that a felony has been committed. *Petrie* v. *Cartwright*, 114 Ky. 103, 59 L. R. A. 720, 102 Am. St. Rep. 274, see notes and cases cited. The right to arrest, without a warrant, a fugitive from justice from another State has been passed upon in a few cases. In *Harris* v. *Louisville N. O. & T. R. Co.*, 35 Fed. 116 it was held that a temporary arrest without previous warrant may be made in a case of urgent necessity, but that the detention can only last to bring the prisoner before a magistrate for a proper inquiry. Substantially the same position is taken in *Re Henry*, 29 How. Pr. 185; *State* v. *Anderson*, 1 Hill, L. 327; and *Simmons* v. *Vandyke*, 138 Ind. 380, 26 L. R. A. 33, 46 Am. St. Rep. 411. But in *Botts* v. *Williams*, 17 B. Mon. 687, it was said that there could be no arrest in such a case without a warrant; and that the one making such an arrest was guilty of assault and battery is held in *State* v. *Shelton*, 79 N. C. 605.

BANKRUPTCY—THE RIGHT OF A WIFE TO RECOVER AN EQUITABLE CLAIM AGAINST HER HUSBAND'S ESTATE IN BANKRUPTCY.—A wife had received and inherited property from her father, and had always treated it as her sole and separate estate; from this separate estate she paid a matured obligation of her

husband, taking his note for the amount, and on his bankruptcy she presented the note as a claim against his estate. Contractual relations between husband and wife were not recognized by the law of the State of their domicile but a wife's separate estate was provided for by statute, and under the decisions in that State she could have maintained a claim in equity against her husband. *Held,* the wife's claim can now be maintained in bankruptcy, as the bankruptcy court is a court of equity as well as of law. *In re Hill* (1911), 190 Fed. 390.

The seemingly conflicting decisions on this point divide themselves into but two distinct classes, and turn on but a single point; that is, whether a court of bankruptcy will be bound strictly by the law as laid down by the State courts, or will follow the general Federal rule, in its determination of the question. On the one side, in the early case of *In re Blandin,* 1 Low. 543, it was decided that since by State law a wife could maintain an equitable claim against her husband's estate, that claim was provable in bankruptcy; Cited with approval in *Fleitas* v. *Richardson,* 147 U. S. 550 at 555, 13 Sup. Ct. 495; overruled in *Re Talbot,* 110 Fed. 924, on the ground that the State law had been misconceived, but distinctly stating the rule of bankruptcy to be that bankruptcy courts would be governed by the State rule in regard to the validity and provability of an equitable claim of a wife against her husband or his estate. *In re Novak,* 101 Fed. 800; *In re Neiman,* 109 Fed. 113; *In re Domenig,* 128 Fed. 146; *In re Foss,* 147 Fed. 790; *In re Kyte,* 164 Fed. 302. On the other side, the rule is fully stated in *James* v. *Gray* 131 Fed. 401, 1 L. R. A. (N. S.) 321: "While the Federal courts are required by the statutes creating them to accept as rules of decision in trials at common law the laws of the several States, excepting where the Constitution, treaties, and Statutes of the United States otherwise provide, their proceedings in equity suits, involving equitable rights, cannot be impaired by the local rules of the dif ferent States in which they sit. The principles of equity as applied by them are the same everywhere in the United States." But this broad statement of the rule has been limited to apply only to debts based on a valuable consideration. *In re Tucker,* 148 Fed. 928. Reason and the texts sustain the former view; COLLIER, BANKRUPTCY, Ed. 8, p. 704, and 1 REMINGTON, BANKRUPTCY, § 798, p. 466; but the question will not be conclusively determined until passed upon by the Supreme Court.

BANKRUPTCY—TITLE OF TRUSTEE AS AGAINST UNRECORDED CONTRACT OF CONDITIONAL SALE—EFFECT OF AMENDMENT OF 1910.—Petitioners had sold a sprinkling system to the bankrupt, under a contract of conditional sale, but the contract had not been recorded as required by the State statute. After adjudication, petitioners sought to enforce a lien on the sprinkling system under their contract, but the referee decided that their claim was invalid. On application to review the referee's decision, it was *Held,* that, though prior to the amendment of July 25, 1910, c. 412, § 8, 36 STAT. 840, to the Bankruptcy Act of 1898, § 47, subd. a, cl. 2, 30 STAT. 557, an unrecorded conditional sale contract would be valid against the trustee in bankruptcy, by this amendment, where under State law a conditional sale contract was invalid as against lien